

Administrative Record**SF File Number****1020400****0231000**

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY



REGION VI

999 16th STREET - SUITE 500
DENVER, COLORADO 80202-2405

1262251 - R8 SDMS

Date: 5/24/91

J. B. Davis
 Plant Manager
 Asarco Incorporated
 Box 130
 East Helena, Montana 59635

Dear Mr. Davis:

This letter concerns the resolution of the dispute over response costs incurred by the U.S. Environmental Protection Agency ("EPA") in connection with the East Helena Site. Paragraph XIV of the Consent Decree, CV90-46-H-CCL (the "Decree") entered into by Asarco Incorporated ("ASARCO") and EPA, provides for a 30-day informal negotiation period in which to resolve disputes arising under the Decree. That paragraph also provides that the 30-day period may be extended by agreement between the parties to the dispute.

The informal dispute resolution period for the contested costs began on March 29, 1991, when EPA received a letter from you, on behalf of ASARCO, disputing \$1,13,740.10 in response costs. Since then, EPA has met with ASARCO and its financial consultants to review documents related to these costs. To date, EPA has not received further clarification from ASARCO concerning the rationale for contesting these costs.

EPA is interested in resolving this matter in an expeditious manner, and consequently, would like to end the period for informal negotiations on May 31, 1991. EPA hereby requests ASARCO's written agreement to such an extension. In addition, any further articulation of ASARCO's basis for contesting response costs would help EPA make a determination with regard to this dispute.

If you have any questions regarding the extension date, please contact Suzanne Bohan, Assistant Regional Counsel at (303) 294-7552. Otherwise, please obtain a written agreement from ASARCO, and forward it to Ms. Bohan at the above address. Thank you for your attention to this matter.

Sincerely,

James J. Scherer
 Regional Administrator


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cc: S. Bohun
M. Goodstein
D. Sturm
S. Brown